

REMARKS

Claims 1-3, 6-12, 15, 18 and 19 are present, claims 4, 5, 13, 14, 16, 17 and 20-27 having been canceled by this preliminary Amendment. Reconsideration in view of the following remarks is requested.

Summary of Examiner Interview

Initially, Applicant's representative wishes to thank Examiner Lau for his time at the interview on May 23, 2003, the contents of which are summarized below.

Applicant's representative forwarded the Examiner a proposed response, which was discussed at the Interview. At the interview, Applicant's representative explained that the primary reference, Bertness (U.S. Patent No. 6,332,113), failed to teach or suggest a method for testing batteries, or battery management system that includes "determining an average of first parameter values of the remaining batteries in the battery pack, the average first parameter value for remaining batteries changing depending on which battery of the battery pack is being tested at a given instant;" (underlining for emphasis), in combination with the other elements or structural correlation claimed in claims 1 or 10.

The Examiner appeared receptive to the proposed amendments, but indicated that such amendments would require a further search and could not be entered after final. Accordingly, it was understood that Applicant would file an RCE with preliminary amendment, and that such a filing would overcome Bertness '113, to necessitate a further search by the Examiner.

Therefore, Applicant presents the amended claims discussed at the interview, and submits that, as these claims define over Bertness '113, the application is now in condition for allowance.

Conclusion

In view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-3, 6-12, 15, 18 and 19 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Matthew J. Lattig, Reg. No. 45,274

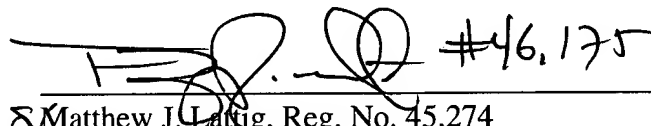
at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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